



General Assembly

February Session, 2012

Raised Bill No. 5088

LCO No. 808

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Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING SELF-SERVICE STORAGE FACILITY LIENS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 42-159 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 As used in this chapter:

4 (1) "Self-service storage facility" means any real property designed
5 and used for the renting or leasing of individual self-contained units of
6 storage space to occupants who are to have access to such units for
7 storing and removing personal property only, and not for residential
8 purposes. A self-service storage facility and an owner are not a
9 warehouse, as defined in section 42a-7-102, except that if an owner
10 issues a document of title, as defined in section 42a-1-201, for the
11 personal property stored, the owner and the occupant are subject to
12 the provisions of article 7 of the Uniform Commercial Code and the
13 provisions of this chapter do not apply.

14 (2) "Owner" means the owner, operator, lessor, or sublessor of a self-
15 service storage facility, his or her agent, or any other person authorized

16 by him or her to manage the facility or to receive rent from an
17 occupant under a rental agreement.

18 (3) "Occupant" means a person, or the sublessee, successor, or
19 assignee of a person, entitled to the use of a storage unit at a self-
20 service storage facility under a rental agreement, to the exclusion of
21 others.

22 (4) "Rental agreement" means any written agreement or lease that
23 establishes or modifies the terms, conditions, rules or any other
24 provisions concerning the use and occupancy of a unit in a self-service
25 storage facility.

26 (5) "Personal property" means movable property not affixed to land
27 and includes, but is not limited to, goods, merchandise, household
28 items and motor vehicles.

29 (6) "Last known address" means [that] a postal or electronic address
30 provided by the occupant in the latest rental agreement or [the] a
31 postal or electronic address provided by the occupant in a subsequent
32 written notice of a change of address.

33 (7) "Default" means failure to perform any obligation or duty
34 imposed by a rental agreement or by this chapter.

35 Sec. 2. Section 42-161 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective July 1, 2012*):

37 (a) No owner may satisfy the lien provided for in section 42-160
38 unless he or she complies with the procedure set forth in this chapter.

39 (b) The owner shall notify the occupant and any person who has
40 filed a valid security interest in such property with the Secretary of the
41 State of his or her intention to satisfy the lien with a written notice
42 which shall be delivered in person or sent by electronic mail or by
43 registered or certified mail, return receipt requested, to the last known
44 address of the occupant.

45 Sec. 3. Section 42-164 of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective July 1, 2012*):

47 (a) After the expiration of the time given in the notice for the
48 occupant to pay the amount due, if the owner wishes, he or she may
49 place an advertisement of the sale or other disposition of the personal
50 property in a newspaper of substantial circulation, or may advertise
51 such sale or other disposition in a commercially reasonable manner,
52 including, but not limited to, electronic advertisement in the
53 municipality where the self-service storage facility is located. Such
54 advertisement shall be published at least twice within a period not less
55 than ten days preceding the date of such sale or other disposition. The
56 advertisement shall include: (1) A description of the personal property
57 subject to the lien according to the requirements of section 42-162; (2)
58 the name of the occupant, the address of the self-service storage
59 facility, the unit number, if any, of the storage space where the
60 personal property is located; and (3) the time, place and manner of the
61 sale or other disposition.

62 (b) Such sale or other disposition of the personal property shall not
63 take place sooner than ten days after the first publication of the
64 advertisement nor sixty days after the date of default.

65 (c) If there is no newspaper of substantial circulation in the
66 municipality in which the self-service storage facility is located, the
67 advertisement shall be posted at least ten days before the date of the
68 sale or other disposition of the personal property in not less than six
69 conspicuous places in the neighborhood where the self-service storage
70 facility is located.

71 (d) The proceeds of a sale under this section shall be allocated to pay
72 the expenses of such sale, then to the holder of any lien or security
73 interest having priority over that of such owner, then to the owner.

74 (e) An electronic advertisement made pursuant to subsection (a) of
75 this section shall be deemed commercially reasonable if such

76 advertisement was for the sale of personal property that was sold at a
77 public auction where not less than three bidders who are unrelated to
78 the owner were in attendance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	42-159
Sec. 2	<i>July 1, 2012</i>	42-161
Sec. 3	<i>July 1, 2012</i>	42-164

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Sec. 2	<i>July 1, 2012</i>	42-161
Sec. 3	<i>July 1, 2012</i>	42-164

Statement of Purpose:

To modernize self-storage facility lien laws.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]